

Resolution #13-02: Ending the Death Penalty in Washington

WHEREAS the Seattle Human Rights Commission (the Commission) is committed to protecting and advocating for justice, human rights, and the equal treatment of all people who live and work in Seattle; and

WHEREAS on December 10, 2012, Seattle officially declared itself a Human Rights City through Council Resolution Number 31420 thus committing itself to protect, respect and fulfill the full range of universal human rights for all, as set forth in the Universal Declaration of Human Rights (UDHR) and other international human rights; and

WHEREAS the Commission's 2013 work plan includes working with the State of Washington to implement international human rights principles within its capacity to guarantee protection of vulnerable populations; and

WHEREAS on January 29, 2013 legislation "Reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration" was introduced in the State House of Representatives (HB 1504) and the Senate (SB 5372); and

WHEREAS article 3 of the UDHR states that everyone has the right to life and article 6 of the International Covenant on Civil and Political Rights (ICCPR) encourages the abolition of the death penalty and imposes strict limitations on its imposition for those states that have not yet abolished the death penalty; and

WHEREAS international law through article 7 of the ICCPR and articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – both signed and ratified by the United States – absolutely prohibit torture and cruel, inhuman or degrading treatment or punishment; and

WHEREAS the United Nations (UN) and Organization of American States (OAS) agree that the death penalty is a breach of international human rights standards, whether in the method imposed by the death penalty or in the manner in which the convicted person is treated following sentencing, known as "the death row phenomenon"; and

WHEREAS the UN, the Inter-American Court and the Inter-American Commission on Human Rights have recommended that countries which still use the death penalty should immediately impose a moratorium on executions as a step toward the gradual removal of this penalty; and

WHEREAS on December 2007, the UN General Assembly adopted the historic resolution 62/149 calling for a worldwide moratorium on executions with a view to abolishing the death penalty; and on December 2008 adopted resolution 63/168 on its implementation incrementing the numbers of states supporting it; and

WHEREAS in 2012 the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reported to the General Assembly on the evolving standard

whereby States and judiciaries consider the death penalty to be a violation *per se* of the prohibition of torture or cruel, inhuman or degrading treatment; and

WHEREAS the Supreme Court of California ruled the process of carrying out a verdict of death is so degrading to the human spirit as to constitute psychological torture; and

WHEREAS the evolving practice of States shows a clear trend towards abolition of the death penalty; the trend being informed by a stated conviction that capital punishment is cruel, inhumane and degrading, either *per se* or as applied; and

WHEREAS there is a proven tendency to impose the death penalty discriminatorily; and

WHEREAS although African Americans represent less than four percent of Washington's population, four out of the eight men on its death row are African American; and the racial disproportionality of the Washington's death row parallels a national pattern in which 42 percent of death row inmates are African Americans but only 13 percent of the general population; and

WHEREAS there is no proof that the death penalty deters violent crime; and

WHEREAS prosecutors in various counties in the State of Washington differ widely on whether they will seek a death sentence in "death-eligible" cases; and

WHEREAS use of the death penalty inevitably carries a risk that innocent people may be killed; that 141 innocent men and women have been released from death row nationally; and in 1997 Benjamin Harris III was released from prison after his conviction was overturned and he had spent 12 years on death row in Washington; and

WHEREAS the Commission recognizes that although a sentence of life without the possibility of parole raises human rights concerns, including the right to due process, the possibility of redemption and rehabilitation, and the lack of deterrence of crime; that nonetheless the elimination of the death penalty in Washington is a historic step towards full implementation of international human rights standards in the criminal system,

THEREFORE BE IT RESOLVED, that the Seattle Human Rights Commission hereby declares its support for the passage of HB 1504 and SB 5372 and calls upon Washington to abolish the death penalty in compliance with its international obligations to respect and ensure the rights to life, equality, dignity, and personal integrity.

Adopted by the Seattle Human Rights Commission on February 7, 2013

Christopher Stearns, Chairman

Jennifer Yogi, Secretary